IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 15TH FEBRUARY 2007 / 26TH MAGHA 1928

Crl.MC.No. 382 of 2007()

CRIME NO.463/05 OF ANITHIKKAD POLICE STATION.

PETITIONER: ACCUSED:
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1. BIJU, S/O.VALSAN,
KADUTHEENDI HOUSE, CHAZHUR, THRISSUR.

2. VALSAN, RESIDING DO.

3. VALSALA, W/O.VALSAN,
RESIDING DO.

BY ADV. SRI.P.K.ANIL

RESPONDENTS:
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1. SREEKALA, AGED 28 YEARS,
D/O.PUSHKARAN, MAVATH HOUSE,
EDAMUTTOM P.O.

2. SUB INSPECTOR OF POLICE,
ANTHIKKAD POLICE STATION, REP. BY
STATE OF KERALA, REP. BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY P.P. SRI.GIKKU JACOB.
BY ADV. SRI.CIBI THOMAS

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 15/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

CRL.M.C.NO. 382 OF 2007

Dated this the 15th day of February, 2007

ORDER

The petitioners are the accused persons facing indictment for the offence punishable, inter alia, under Sec.498A of the IPC. They are the husband and the parents-in-law of the de facto complainant/the 1st respondent herein. Proceedings were initiated on the basis of a complaint filed by the 1st respondent. Final report has been filed. Cognizance has been taken. Proceedings against the petitioners are pending before the learned Magistrate.

2. The learned counsel for the petitioners submits, and the learned counsel for the 1st respondent endorses that submission, that the parties have settled their disputes and the 1st petitioner and the 1st respondent have started residing together - they having harmoniously settled their disputes and the 1st respondent having compounded the offences allegedly committed by the petitioners. The learned counsel for the 1st respondent vouches for the signature of the 1st respondent in the joint application for composition which is

produced along with this petition.

3. From the submissions made at the Bar and from the materials placed on record, I am satisfied that the parties have settled their disputes amicably. The learned Public Prosecutor does not raise any objection against the prayer made in this Crl.M.C.

4. But the offences alleged against the petitioners include the offences which are not compoundable and, in these circumstances, the powers under Sec.320 of the Cr.P.C. are not available to this Court. The learned counsel for the petitioners relies on the decision in **B.S. Joshy v. State of Haryana** (AIR 2003 SC 1386) and contends that this is an appropriate case where the interests of justice must be held to transcend the interests of mere interests of law. The spouses having settled their disputes and they having resumed cohabitation harmoniously, I find merit in the prayer that the powers under Sec.482 of the Cr.P.C. can and ought to be invoked. Request is accepted.

5. In the result:

(i) This Crl.M.C. is allowed.

(ii) C.C.No.74/06 pending before the Judicial Magistrate of the First Class Court-I, Thrissur, against the petitioners are stand quashed.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge